

Proposed EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dr. Kathleen Rigaut on 10/15/2008.

The application has been amended as follows:

Claims 115-119 have been cancelled.

Claim 122 (Currently amended) A method for the treatment of cancer in a patient in need thereof, comprising the administration of an effective amount of at least one PI-3 kinase inhibitor selected from the group consisting of LY294002 and Wortmannin, wherein said PI-3 kinase inhibitor effectively inhibits aberrant tumor-associated angiogenesis, wherein said cancer is radioresistant and administration of said at least one PI-3 kinase inhibitor is effective to enhance the radiosensitivity of cells in said cancer, said method further comprising assessing inhibition of angiogenesis following administration of said PI-3 kinase inhibitor.

Deleted: .

The following is an examiner's statement of reasons for allowance: Jiang of record, a published February 15, 2000 instead of 2002 as erroneously indicated in the Office action mailed on 04/17/2008 discloses that the PI-3 kinase inhibitor plays role in

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angiogenesis. However, Jiang et al., does not teach in vivo administration of the inhibitor. Zhong et al, (March 15, 2000, IDS C1 filed on 05/30/2007) also discloses that LY294002 inhibits angiogenesis in *in vitro* tumor cells. Hu et al., of record (2000) teaches in vivo administration of LY294002 to treat ovarian cancers. Hu et al teaches apoptosis has occurred in the in vivo ovarian tumor model mice that had been treated with the PI-3 kinase. Neither Zhong et al, nor Jiang et al., teach in vivo cancer treatment method. Based on the state of art, the Office could not meet the burden why one of ordinary skill would be motivated to assess inhibition of angiogenesis, instead of assessing apoptosis, after administration of LY294002 or Wortmannin, since assessing apoptosis seems to be more relevant step to assess cancer treatment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISOOK YU whose telephone number is 571-272-0839. The examiner can normally be reached on 8 A.M. to 5:30 P.M., every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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